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Attorney For Defendants
Kook Jin Lee and
Southeast News, Inc., et al and
Donga Daily News, LLC, et al

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

The Dong-A Ilbo	:	
Plaintiff		Civil Action No. 08-2399
v.		
Bo H. Lim, et al	:	
Defendant		
and		
Kook Jin Lee, et al	:	
Defendant		
and		
The Korean Daily Tribune, Inc., et al	:	
Defendant		
and		
Southeast News, Inc., also known as,	:	
The Korean Southeast News, et al		
Defendant		
And	:	
Donga Daily News, LLC d/b/a		
The Chosun Daily News - Atlanta	:	
Defendant		

MOTION OF DEFENDANTS, KOOK JIN LEE, ET AL;
SOUTHEAST NEWS, INC., ET AL; AND DONGA DAILY NEWS, ET AL,
TO DISMISS PURSUANT TO F.R.C.P. NO. 12

Defendants, Kook Jin Lee, et al and Southeast News, Inc., et al and Donga Daily News, et al, by and through their attorney, David J. Averett, Esquire, hereby allege the following in support of their Motion:

1. Movant/Defendant, Kook Jin Lee,, et al. (hereinafter “Lee”), is an adult individual, residing at 5330 Twillingate Place, Duluth, GA 30097-6436.
2. Movant/Defendant, Southeast News, Inc., also known as the Korean Southeast News, et al (hereinafter “Southeast News”), is a corporation with business offices located at 2730 N. Berkeley Lake Road, # 800, Duluth, GA 30096.
3. Movant/Defendant, Donga Daily News, LLC, d/b/a The Chosun Daily News Atlanta, et al, (hereinafter “Donga Daily News”), is a limited liability corporation with business offices located at 2730 N. Berkeley Lake Road, # 800, Duluth, GA 30096.
4. Respondent/Plaintiff, The Dong-A Ilbo, is a corporation, doing business at offices located at Dong-A Media Center, 139 Sejong Ro, Jongno Gu, Seoul, 110-715, South Korea.
5. The Civil Action was filed on May 22, 2008 and was served upon Movants/Defendants on June 2, 2008.
6. This Motion is timely filed pursuant to F.R.C.P. No. 12.

**COUNT I: MOTION TO DISMISS OF DEFENDANT, KOOK JIN LEE,
ET AL, FOR LACK OF JURISDICTION OVER THE PERSON**

7. Paragraphs one through six are incorporated herein by reference as if set forth at length.
8. Movant/Defendant Lee moves to dismiss this civil action pursuant to F.R.C.P. No. 12 for the reason that this Court lacks personal jurisdiction over the Defendant. His residence is in Georgia and he does not have any connection to the Eastern District of Pennsylvania.
9. Movant/Defendant Lee does not do business and has no significant contacts in the Eastern District of Pennsylvania.
10. Movant/Defendant Lee does not have a branch office located at 1330 Willow Avenue, Elkins Park, Pennsylvania 19027, or at any location in the Eastern District of Pennsylvania.
11. Movant/Defendant Lee is not in any way affiliated with, nor is he an agent of Defendant, Bo H. Lim, et al (hereinafter “Lim“).
12. Movant/Defendant Lee is not in any way affiliated with, nor is he an agent of Defendant, The Korean Daily Tribune, Inc., et al. (hereinafter “Daily Tribune”).

13. The transactions or occurrences in the Civil Action, with regard to Movant/Defendant Lee, including, but not limited to, preparation and exchange of any documents, written and telephone correspondence, personal meetings, e-mails, faxes and all other communication, took place in South Korea and the State of Georgia.

Wherefore, Movant/Defendant Lee demands that the Civil Action be dismissed.

**COUNT II: MOTION TO DISMISS OF DEFENDANT,
SOUTHEAST NEWS, INC., ET AL, FOR
LACK OF JURISDICTION OVER THE PERSON**

14. Paragraphs one through thirteen are incorporated herein by reference as if set forth at length.

15. Movant/Defendant Southeast News moves to dismiss this civil action pursuant to F.R.C.P. No. 12 for the reason that this Court lacks personal jurisdiction over the Defendant. Its business offices are in Georgia and it does not have any connection to the Eastern District of Pennsylvania.

16. Movant/Defendant Southeast News , does not do business and has no significant contacts in the Eastern District of Pennsylvania.

17. Movant/Defendant Southeast News does not have a branch office located at 1330 Willow Avenue, Elkins Park, Pennsylvania 19027, or at any location in the Eastern District of Pennsylvania.

18. Movant/Defendant Southeast News is not in any way affiliated with, nor is it an agent of Defendant, Bo H. Lim, et al.

19. Movant/Defendant Southeast News is not in any way affiliated with, nor is it an agent of Defendant, The Korean Daily Tribune, Inc., et al.

20. The transactions or occurrences in the Civil Action, with regard to Movant/Defendant Southeast News, including, but not limited to, preparation and exchange of any documents, written and telephone correspondence, personal meetings, e-mails, faxes and all other communication, took place in South Korea and the State of Georgia.

Wherefore, Movant/Defendant Southeast News demands that the Civil Action be dismissed.

COUNT III: MOTION TO DISMISS OF DEFENDANT, DONGA DAILY NEWS, LLC, D/B/A THE CHOSUN DAILY NEWS – ATLANTA, ET AL, FOR LACK OF JURISDICTION OVER THE PERSON

21. Paragraphs one through twenty one are incorporated herein by reference as if set forth at length.
22. Movant/Defendant Donga Daily News moves to dismiss this civil action pursuant to F.R.C.P. No. 12 for the reason that this Court lacks personal jurisdiction over the Defendant. Its business offices are in Georgia and it does not have any connection to the Eastern District of Pennsylvania.
23. Movant/Defendant Donga Daily News News does not do business and has no significant contacts in the Eastern District of Pennsylvania.
24. Movant/Defendant Donga Daily News does not have a branch office located at 1330 Willow Avenue, Elkins Park, Pennsylvania 19027, or at any location in the Eastern District of Pennsylvania.
25. Movant/Defendant Donga Daily News is not in any way affiliated with, nor is it an agent of Defendant, Bo H. Lim, et al.
26. Movant/Defendant Donga Daily News is not in any way affiliated with, nor is it an agent of Defendant, The Korean Daily Tribune, Inc., et al.
27. The transactions or occurrences in the Civil Action, with regard to Movant/Defendant Donga Daily News, including, but not limited to, preparation and exchange of any documents, written and telephone correspondence, personal meetings, e-mails, faxes and all other communication, took place in South Korea and the State of Georgia.

Wherefore, Movant/Defendant Donga Daily News demands that the Civil Action be dismissed.

COUNT IV: MOTION TO DISMISS OF DEFENDANT, KOOK JIN LEE, ET AL, FOR IMPROPER JOINDER OF CLAIMS

28. Paragraphs one through twenty seven are incorporated herein by reference as if set forth at length.
29. The alleged transactions or occurrences in the civil action which concern Movant/Defendant Lee, Movant/Defendant Southeast News and Movant Defendant Donga Daily News, are completely separate and distinct from the alleged transactions or occurrences which concern Defendant Lim and Defendant The Daily Tribune.

30. There was no conspiracy between Movant/Defendant Lee, Movant/Defendant Southeast News, Movant/Defendant Donga Daily News and Defendant Lim and Defendant The Daily Tribune.

31. There was no agreement among Movant/Defendant Lee, Movant/Defendant Southeast News, Movant/Defendant Donga Daily News and Defendant Lim and Defendant The Daily Tribune.

32. The only common link between the Georgia Defendants (Movant/Defendants Lee, Southeast News and Donga Daily News) and the Pennsylvania Defendants (Lim and The Daily Tribune), is the Plaintiff.

33. Plaintiff improperly joined the claims of the Georgia Defendants and the Pennsylvania Defendants for the sole purpose of compelling the Georgia Defendants to defend this civil action in the Eastern District of Pennsylvania.

Wherefore, Movant/Defendant Lee demands that the Civil Action be dismissed.

**COUNT V: MOTION TO DISMISS OF DEFENDANT,
SOUTHEAST NEWS, INC., ET AL, FOR IMPROPER JOINDER OF CLAIMS**

34. Paragraphs one through thirty three are incorporated herein by reference as if set forth at length.

35. The alleged transactions or occurrences in the civil action which concern Movant/Defendant Lee, Movant/Defendant Southeast News and Movant Defendant Donga Daily News, are completely separate and distinct from the alleged transactions or occurrences which concern Defendant Lim and Defendant The Daily Tribune.

36. There was no conspiracy between Movant/Defendant Lee, Movant/Defendant Southeast News, Movant/Defendant Donga Daily News and Defendant Lim and Defendant The Daily Tribune.

37. There was no agreement among Movant/Defendant Lee, Movant/Defendant Southeast News, Movant/Defendant Donga Daily News and Defendant Lim and Defendant The Daily Tribune.

38. The only common link between the Georgia Defendants (Movant/Defendants Lee, Southeast News and Donga Daily News) and the Pennsylvania Defendants (Lim and The Daily Tribune), is the Plaintiff.

39. Plaintiff improperly joined the claims of the Georgia Defendants and the Pennsylvania Defendants for the sole purpose of compelling the Georgia Defendants to defend this civil action in the Eastern District of Pennsylvania.

Wherefore, Movant/Defendant Southeast News demands that the Civil Action be dismissed.

**COUNT VI: MOTION TO DISMISS OF DEFENDANT,
DONGA DAILY NEWS, LLC, D/B/A THE CHOSUN DAILY NEWS –
ATLANTA, ET AL, FOR IMPROPER JOINDER OF CLAIMS**

40. Paragraphs one through thirty nine are incorporated herein by reference as if set forth at length.

41. The alleged transactions or occurrences in the civil action which concern Movant/Defendant Lee, Movant/Defendant Southeast News and Movant Defendant Donga Daily News, are completely separate and distinct from the alleged transactions or occurrences which concern Defendant Lim and Defendant The Daily Tribune.

42. There was no conspiracy between Movant/Defendant Lee, Movant/Defendant Southeast News, Movant/Defendant Donga Daily News and Defendant Lim and Defendant The Daily Tribune.

43. There was no agreement among Movant/Defendant Lee, Movant/Defendant Southeast News, Movant/Defendant Donga Daily News and Defendant Lim and Defendant The Daily Tribune.

44. The only common link between the Georgia Defendants (Movant/Defendants Lee, Southeast News and Donga Daily News) and the Pennsylvania Defendants (Lim and The Daily Tribune), is the Plaintiff.

45. Plaintiff improperly joined the claims of the Georgia Defendants and the Pennsylvania Defendants for the sole purpose of compelling the Georgia Defendants to defend this civil action in the Eastern District of Pennsylvania.

Wherefore, Movant/Defendant Donga Daily News demands that the Civil Action be dismissed.

**COUNT VII: MOTION TO DISMISS OF DEFENDANT,
KOOK JIN LEE, ET AL FOR IMPROPER VENUE**

46. Paragraphs one through forty five are incorporated herein by reference as if set forth at length.

47. The Eastern District of PA is an inconvenient venue for Movant/Defendant Lee to defend this civil action.

48. It is unduly prejudicial and unfair for Movant/Defendant Lee to defend this civil action in the Eastern District of Pennsylvania.

49. Movant/Defendant Lee could not have reasonably anticipated having to defend this civil action in the Eastern District of Pennsylvania.

50. The instant civil action should have been filed against MOvant/Defendant Lee in South Korea or in the State of Georgia.

51. The proposed agreement between plaintiff and the Defendant Lee provided for venue of all legal proceedings in disputes between the parties to be in South Korea.

52. The proposed agreement between plaintiff and Defendant Lee provided that South Korean Law was to control any disputes between the parties arising out of the transactions or occurrences which are the subject of this lawsuit.

Wherefore, Movant/Defendant Lee demands that the Civil Action be dismissed.

**COUNT VIII: MOTION TO DISMISS OF DEFENDANT,
SOUTHEAST NEWS, INC., ET AL, FOR IMPROPER VENUE**

53. Paragraphs one through fifty two are incorporated herein by reference as if set forth at length.

54. The Eastern District of PA is an inconvenient venue for Movant/Defendant Southeast News to defend this civil action.

55. It is unduly prejudicial and unfair for Movant/Defendant Southeast News to defend this civil action in the Eastern District of Pennsylvania.

56. Movant/Defendant Southeast News could not have reasonably anticipated having to defend this civil action in the Eastern District of Pennsylvania.

57. The instant civil action should have been filed against the Movant/Defendant Southeast News in South Korea or in the State of Georgia.

Wherefore, Movant/Defendant Southeast News, Inc., demands that the Civil Action be dismissed.

**COUNT IX: MOTION TO DISMISS OF DEFENDANT,
DONGA DAILY NEWS, LLC, D/B/A THE CHOSUN DAILY NEWS –
ATLANTA, ET AL, FOR IMPROPER VENUE**

58. Paragraphs one through fifty seven are incorporated herein by reference as if set forth at length.

59. The Eastern District of PA is an inconvenient venue for Movant/Defendant Donga Daily News to defend this civil action.

60. It is unduly prejudicial and unfair for Movant/Defendant Donga Daily News to defend this civil action in the Eastern District of Pennsylvania.

61. Movant/Defendant Donga Daily News could not have reasonably anticipated having to defend this civil action in the Eastern District of Pennsylvania.

62. The instant civil action should have been filed against the Movant/Defendant Donga Daily News in South Korea or in the State of Georgia.

Wherefore, Movant/Defendant Donga Daily News, LLC, demands that the Civil Action be dismissed.

**COUNT X: MOTION TO DISMISS OF DEFENDANT,
KOOK JIN LEE, ET AL, FOR IMPROPER JOINDER OF PARTIES**

63. Paragraphs one through sixty two are incorporated herein by reference as if set forth at length.

64. For the reasons set forth above Defendant, Lee was improperly joined as a party in the above civil action with defendants Lim and The Daily Tribune.

Wherefore, Movant/Defendant Kook Jin Lee demands that the Civil Action be dismissed.

**COUNT XI: MOTION TO DISMISS OF DEFENDANT,
SOUTHEAST NEWS, INC., ET AL, FOR IMPROPER JOINDER OF PARTIES**

65. Paragraphs one through sixty four are incorporated herein by reference as if set forth at length.

66. For the reasons set forth above Defendant Southeast News, was improperly joined as a party in the above civil action with defendants Lim and The Daily Tribune.

Wherefore, Movant/Defendant Southeast News, Inc. demands that the Civil Action be dismissed.

**COUNT XII: MOTION TO DISMISS OF DEFENDANT,
DONGA DAILY NEWS, LLC, D/B/A THE CHOSUN DAILY NEWS – ATLANTA,
ET AL, FOR IMPROPER JOINDER OF PARTIES**

67. Paragraphs one through sixty six are incorporated herein by reference as if set forth at length.

68. For the reasons set forth above Defendant Donga Daily News, was improperly joined as a party in the above civil action with defendants Lim and The Daily Tribune.

Wherefore, Movant/Defendant Donga Daily News demands that the Civil Action be dismissed.

BY:

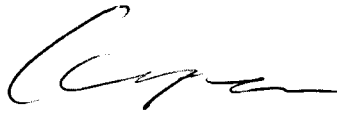


David J. Averett, Esquire
Attorney for Defendants
Kook Jin Lee, et al, Southeast News, Inc., et
al and Donga Daily News, LLC d/b/a The
Chosun Daily News - Atlanta, et al
#43760

VERIFICATION

I, Kook Jin Lee, Defendant, hereby verify that the foregoing statements are true and correct to the best of my knowledge and belief. The undersigned understands that false statements herein are made subject to the penalties of 28 U.S.C. §1746, relating to unsworn falsification to authorities.

Date: 6-19-08



Kook Jin Lee, Defendant